

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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ZURICH AMERICAN INSURANCE  
COMPANY,

Plaintiff,

No. 1:22-cv-01535

v.

ASPHALT PAVING SYSTEMS, INC.,

**ORDER**

Defendant.

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**O’HEARN, District Judge.**

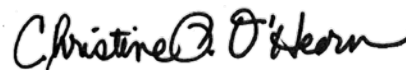
This matter comes before the Court on the Defendant Asphalt Paving Systems, Inc.’s (“Defendant”) Motion to Dismiss Counts VII, VIII, and IX of Plaintiff Zurich American Insurance Company’s (“Plaintiff”) Amended Complaint. (ECF No. 30). The Court did not hear oral argument pursuant to Local Rule 78.1. For the reasons set forth in this Court’s corresponding Opinion,

**IT IS** on this 13th day of January, 2023,

**ORDERED** that Defendant’s Motion to Dismiss, (ECF No. 30), is **GRANTED IN PART and DENIED IN PART**; and it is further

**ORDERED** that Defendant’s Motion is **GRANTED** with respect to Count VII of Plaintiff’s Amended Complaint, (ECF No. 24), which is hereby **DISMISSED**; and it finally

**ORDERED** that Defendants’ Motion is **DENIED** with respect to Counts VIII and IX of the Amended Complaint, (ECF No. 24).

  
**CHRISTINE P. O’HEARN**  
United States District Judge